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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,716	12/27/2001	Anthony L. Fontaine	10407/559	8636

30076 7590 08/26/2004

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EXAMINER

BAYAT, BRADLEY B

ART UNIT PAPER NUMBER

3621

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,716

Applicant(s)


FONTAINE ET AL.

Examiner

Bradley Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1-76 are presented for examination on the merits.

### ***Response to Amendment***

The examiner thanks the applicant for explaining the chain of priority from multiple earlier applications in order to establish priority from earlier filed applications in the amendment filed on 26 May 2004. Although the applicant did not substantively argue against the cited reference, the examiner withdraws the rejection under Paravia.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-76 are rejected under 35 U.S.C. 102(b) as being anticipated by MacDoran et al. (hereinafter MacDoran), U.S. Patent 5,757,916.**

As per the following claim(s), MacDoran discloses:

1. A system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

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- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (column 2, lines 9-61);
- an authenticator for authenticating the location of the user responsive to receipt of a processed request from the access server, the authenticator adapted to be connected to the access server; and means for interconnecting the access server and the authenticator (figure 1, 2, 3b and associated text).

2. The system of claim 1, wherein the authenticator comprises an authenticating server (figure 2 and associated text).

3. The system of claim 1, wherein the authenticator includes means for determining the identity of the user (column 12, line 1-67, column 13, lines 1-17).

4. The system of claim 1, further comprising means for insuring the user's presence at the location (figure 3b and associated text).

5, 44. The system of claim 1, further comprising means for enabling the user to request remote access to the application server (figure 3b and associated text).

6. The system of claim 1, wherein the interconnecting means comprise a network (figure 1 and associated text).

7, 45. The system of claim 2, wherein the authenticating server includes a database of authorized locations, for enabling verification of the location of the user as an authorized user location (columns 7-8)

8. The system of claim 2, wherein the authenticating server comprises a Remote Access Dial-In User Service (RADIUS) server (column 1).

9, 36. The system of claim 3, wherein the user identity determining means comprise a challenge and response system (figures 6, 7 and associated text).

11. The system of claim 5, wherein the user request enabling means comprise an interface station (figure 1 and associated text).

12. The system of claim 5, wherein the user request enabling means comprise a client (figures 1, 2 and associated text).

13. The system of claim 5, wherein the user request enabling means include a location identifier (figure 2 and associated text).

14, 37. The system of claim 5, wherein the authenticating means are adapted to issue a security challenge to the user request enabling means, and the user request enabling means are further

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adapted to interrogate the security challenge, to generate a response, and to transmit the response to the authenticator (column 27-28).

15, 46. The system of claim 5, wherein the user request enabling means include an identifier associated with the user's location, and the authenticator comprises means for authenticating the identifier associated with the user's location (figures 3a-b and associated text).

16. The system of claim 5, wherein the user request enabling means include a dialer, located at the user's location, and wherein the dialer includes a number associated therewith (column 1)

17, 47. The system of claim 5, wherein the user request enabling means comprise a plurality of user request enabling means, and the interconnecting means comprise a network comprising an intranet which includes at least one local area network, adapted to interconnect at least one of the plurality of user request enabling means and the access server (figures 1, 2, and associated text; columns 27-28).

18. The system of claim 5, wherein the interconnecting means are further adapted to interconnect the user request enabling means (figure 1, 2 and associated text).

19. The system of claim 6, wherein the network comprises an intranet (figure 5 and associated text).

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20. The system of claim 6, wherein the network comprises the Internet (columns 27-28).

21, 38. The system of claim 8, further comprising means for enabling the user to request remote access to the application server, wherein the authenticating server is further adapted to issue a security challenge to the user request enabling means (see above cited corresponding sections).

23, 31. The system of claim 16, wherein the authenticator comprises a number identifier for identifying the number associated with the dialer located at the user's location (see above cited corresponding sections).

24, 32. The system of claim 16, wherein a dialing system includes a plurality of numbers each associated with one of a plurality of dialers adapted to enable dialing therefrom and each dialer associated with a different user location, and the authenticator further comprises means for identifying the first number dialed from in the dialing system (column 1).

26, 39. The system of claim 21, wherein the user request enabling means are adapted to issue a response to the security challenge, and the authenticating means include a database for enabling verification of the response of the user request enabling means to the security challenge (see above cited corresponding sections).

27, 33. The system of claim 23, wherein the number identifier comprises Automatic Number Identification (column 1, figures 2-3 and associated text).

28, 34. The system of claim 24, wherein the first number identifying means comprises Dialed Number Identification Services (column 1).

29, 40. The system of claim 26, wherein the authenticator is further adapted to verify the response of the user request enabling means to the security challenge based on the database in the authenticator, and to authorize access to the application server (see above cited corresponding sections).

30, 35. A system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (see above cited corresponding sections);
- an authenticator for authenticating the location of the user responsive to receipt of the processed request from the access server, the authenticator adapted to be connected to the access server, the authenticator including a Remote Access Dial-In Service (RADIUS) server (see above cited corresponding sections);
- means for interconnecting the access server and the authenticator (see above cited corresponding sections); and



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- means for enabling the user to request remote access to the application server, such means including a dialer, located at the user's location, wherein the dialer includes a dialing number associated therewith (see above cited corresponding sections).

41. A system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (see above cited corresponding sections);
- an authenticator for authenticating the location of the user responsive to receipt of the processed request from the access server (see above cited corresponding sections);
- means for interconnecting the access server and the authenticator (see above cited corresponding sections); and
- means for insuring user's presence at the location (see above cited corresponding sections).

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43. A system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

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- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (see above cited corresponding sections);
- an authenticating server for authenticating the location of the user responsive to receipt of the processed request from the access server (see above cited corresponding sections); and
- a network for interconnecting the access server and the authenticating server (see above cited corresponding sections)

48. A method of enabling remote access to an application server, upon authentication of a location from which a user has sought access thereto as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, in a system which comprises an access server, for receiving and processing a request for access to the application server from user request enabling means, adapted to be located remote from the user's location, an authenticator for authenticating the location of the user responsive to receipt of the processed request from the access server, adapted to be connected to the access server, and means for interconnecting the access server and the authenticator, wherein the method comprises:

- requesting an access server to enable a user at a user's location to access the application server (see above cited corresponding sections)

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- authenticating the location of the user in the authenticator (see above cited corresponding sections); and
- determining in the authenticator whether to enable the user to access the application server based on the authenticating of the user's location (see above cited corresponding sections).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10, 22, 25, 42, 57, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDoran et al. (hereinafter MacDoran), U.S. Patent 6,508,710 B1.**

As per claims 10, 42, 57, MacDoran et al. fail to explicitly disclose user presence insuring means comprise a card for identifying the user, and a reader for reading the user identifying card, adapted to be connected to the user access request enabling means at the user location.

Official notice is taken that a card/card reader identifying means for access to a system/server is old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement MacDoran et al.'s authentication and access means as an ID card/reader unit in order to identify and/or charge a customer's account.

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As per claims 11, 22, 25 and 69, MacDoran et al. fail to explicitly disclose that the user location identifier comprises a cookie.

Official notice is taken that a cookie is by definition a block of data that a server returns to a client in response to a request from the client and commonly used to identify a user and is thus old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement MacDoran et al.'s utilizing a cookie to determine a location of the user for access and geographic verification, as required for online gambling.

***Claims 49-76 are directed to a method of applicant's claimed invention and are therefore rejected as above with respect to each corresponding system claim.***

***Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner. A response by the applicant that a specific portion cited does not teach the invention is deemed non-responsive. Rather, the applicant should consider the reference as a whole in formulating a response.***

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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